

EXHIBIT B

W.K. Trial Pretrial Transcript May 29, 2024

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

W.K. et al.,)
)
Plaintiffs,)
v.) CIVIL ACTION
) FILE NO. 1:20-CV-05263-VMC
RED ROOF INNS, INC. et al.,)
)
Defendants.) PRETRIAL CONFERENCE
)

BEFORE THE HONORABLE VICTORIA M. CALVERT

TRANSCRIPT OF PROCEEDINGS

MAY 29, 2024

*Proceedings recorded by mechanical stenography
and computer-aided transcript produced by*

WYNETTE C. BLATHERS, RMR, CRR
Official Court Reporter
2114 U.S. Courthouse
75 Ted Turner Drive, SW
Atlanta, Georgia 30303
(404) 215-1547

1 APPEARANCES:

2 For the Plaintiffs:

3 TIANA S. MYKKELTVEDT
4 AMANDA K. SEALS
5 MICHAEL R. BAUMRIND
6 MANOJ S. (Sachin) VARGHESE
Attorneys at Law
Bondurant Mixson & Elmore, LLP
1201 West Peachtree Street NW
Suite 3900
Atlanta, Georgia 30309

7 RORY A. WEEKS
8 JONATHAN TONGE
9 PATRICK J. MCDONOUGH
Attorneys at Law
Andersen, Tate & Carr, P.C.
One Sugarloaf Centre
1960 Satellite Boulevard
Suite 4000
Duluth, Georgia 30097

12 For the Defendants:

13 CHELSEA R. MIKULA
14 ELISABETH C. ARKO
15 SPENCER E. KREBS
16 JOSEPH A. MANNO
Attorneys at Law
Tucker Ellis, LLP
950 Main Avenue
Suite 1100
Cleveland, Ohio 44113-7213

17 SANDRA WUNDERLICH
18 Attorney at Law
19 Tucker Ellis, LLP
100 South 4th Street
Suite 600
St. Louis, Missouri 63102

20 MARCELLA C. DUCCA
21 Attorney at Law
22 Greenberg Traurig, LLP
Terminus 200, Suite 2500
3333 Piedmont Road NE
23 Atlanta, Georgia 30305
24
25

1 see --

2 MS. MIKULA: No. Her testimony is that we should be
3 pouring money into reliable indicia to prevent sex
4 trafficking, not subjective red flags that could be signs of
5 many other things. And so she believes that by pouring
6 millions and millions of dollars solely into these red flags
7 and focusing on these red flags is improper, and the money
8 should be spent elsewhere. She uses the term "secondary
9 exploitation" to refer to some of that.

10 THE COURT: What does that have to do with these
11 plaintiffs here who are saying they were trafficked? They're
12 here.

13 MS. MIKULA: Right. Well, we can't start the trial
14 with the conclusion that they have been trafficked. One of
15 the things that they will rely on is that hotel workers should
16 have used the red flags and relied on the red flags as
17 indicators that they were being trafficked.
18 Dr. Mehlman-Orozco would say those are not reliable indicia of
19 trafficking because someone who could exhibit one or two signs
20 could be engaged in a very allowable activity.

21 THE COURT: Right. Okay. I could understand you on
22 that. That's misidentification dueling experts, but the
23 secondary exploitation seems to be criticizing somebody who's
24 not the plaintiffs. And so I don't understand why that's
25 relevant at all. So I'm going to exclude her testimony as to

1 secondary exploitation. She can -- it's a she?

2 MS. MIKULA: Yes. It's a she.

3 THE COURT: Okay. She can talk about the
4 misidentification as it goes to the hotels. I think there's
5 some reference to trafficking at airports, and if you want to
6 get into that just for the purpose of saying the red flags are
7 the same, that's fine, but I don't want to hear a whole bunch
8 about airport trafficking because I don't think that's an
9 issue here.

10 MS. MIKULA: That's correct.

11 THE COURT: Okay. All right. So that's fine.

12 MS. MIKULA: The third part was legal conclusions,
13 which she said in her deposition she does not intend to offer,
14 so we agree on that.

15 THE COURT: Okay. All right. So that's that. And
16 then the last one I have relates to erroneous and improper
17 RICO arguments. The defendants agree about not mentioning
18 treble damages or attorney's fees. So that's that. I guess
19 that part is granted as unopposed.

20 Then I am going to deny the motion insofar as it
21 seems to me to be trying to get people not to say certain
22 words, "racketeer" or "organized crime," and I don't think
23 that's an issue. I mean, we're dealing with right now in this
24 country and in this state a RICO trial involving some people
25 who are not members of organized crime, and I just don't think

1 you all need to worry about that. The law is going to be what
2 I instruct them on.

3 MS. MYKKELTVEDT: And I think, your Honor, our point
4 is not that there's some magic words that the defendants can't
5 say or that the plaintiffs can't say, but they shouldn't be
6 allowed to suggest to the jury that they have -- the opposite
7 of that exactly, which is that you have to be a member of
8 organized crime. We're a legitimate hotel, so you'd have to
9 prove that we're organized crime in order to find that we
10 violated RICO. Essentially our argument is you shouldn't be
11 allowed to argue things that are inconsistent with Georgia law
12 and RICO.

13 THE COURT: Okay. Well, I think that's a nonissue.
14 I mean, if that happened, it would be in closing arguments.
15 By that point you all will have my instructions on the law,
16 and it's going to say what the law is.

17 All right. I'm done. So let me just -- I know you
18 all had suggested doing a jury questionnaire, and I thought
19 about that and the logistics of it and realized that we've
20 probably spent so much time with you all going over the
21 answers that it just made sense to do individual voir dire to
22 a point.

23 So what I'm trying to think through in my head are
24 the logistics of how much of the general questioning we would
25 do before we get into the individual voir dire. My typical